

Notice of Allowability

Application No.

10/014,960

Examiner

John M. Winter

Applicant(s)

LUDTKE ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on 5/22/2006.
2. ☒ The allowed claim(s) is/are 5-27, 32-54 and 59-81.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/22/2006, 5/15/2006, 1/21/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit 4/3/2002 of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

John M. Winter
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

Claims 5-27,32-54 and 59-81 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:
2. The closest prior art of record Teicher (US Patent 6,076,075) teaches a retail and payment unit for serving a customer on a purchase, Middleware mediated transactions teaches a method for integrating message based transactions. Wilf (WO 2005/033830) teaches a method for determining the reliability of a transaction involving an account identifier.

What they fail to teach or suggest:

A.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a new transaction data structure based on at least one of input from the user that defines a real time transaction data structure after the deferred transaction data structure is stored in the memory, the deferred transaction data structure;

creating a combined transaction data structure by aggregating the real time transaction data structure and the deferred transaction data structure if the new transaction data structure is not based on the deferred transaction data structure; and transmitting at least one of the combined transaction data structure and the new data structure to the second party.

This distinct feature renders claim 5 allowable , claims 5-15 are dependant upon claim 5 and are allowable for at least the same reasons.

B.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; creating a combined transaction data structure by aggregating the deferred transaction data structure with any other transaction data structures; and transmitting the combined transaction data structure to the second party.

This distinct feature renders claim 16 allowable,
Claims 17-22 are dependant upon claim 16 and are allowable for at least the same reasons.

Art Unit: 3621

C.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; establishing a digital certificate and associating the digital certificate with the transaction data structure, the digital certificate identifying the transaction as being authorized; and associating the digital certificate with the deferred transaction data structure when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted.

This distinct feature renders claim 23 allowable,

Claims 24-27 are dependant upon claim 23 and are allowable for at least the same reasons.

D.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; creating a new transaction data structure based on at least one of input from the user that defines a real time transaction data structure after the deferred transaction data structure is stored in the memory, and the deferred transaction data structure; creating a combined transaction data structure by aggregating the real time transaction data structure and the deferred transaction data structure if the new transaction data structure is not based on the deferred transaction data structure; and transmitting at least one of the combined transaction data structure and the new data structure to the second party.

This distinct feature renders claim 32 allowable,

Claims 33-42 are dependant upon claim 32 and are allowable for at least the same reasons.

E.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; creating a combined transaction data structure by aggregating the deferred transaction data structure with any other transaction data structures; and transmitting the combined transaction data structure to the second party.

Art Unit: 3621

This distinct feature renders claim 43 allowable,
Claims 33-42 are dependant upon claim 32 and are allowable for at least the same reasons.

F.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; establishing a digital certificate and associating the digital certificate with the transaction data structure, the digital certificate identifying the transaction as being authorized; and associating the digital certificate with the deferred transaction data structure when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted.

This distinct feature renders claim 50 allowable,
Claims 51-54 are dependant upon claim 50 and are allowable for at least the same reasons.

G.

None of the art of record, taken individually or combination disclose at least the steps/components of :

creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; creating a combined transaction data structure by aggregating the real time transaction data structure and the deferred transaction data structure if the new transaction data structure is not based on the deferred transaction data structure; and transmitting at least one of the combined transaction data structure and the new data structure to the second party.

This distinct feature renders claim 59 allowable,
Claims 60-69 are dependant upon claim 59 and are allowable for at least the same reasons.

H.

None of the art of record, taken individually or combination disclose at least the steps/components of : creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; creating a combined transaction data structure by aggregating the deferred transaction data structure with any other transaction data structures; and transmitting the combined transaction data structure to the second party.

Art Unit: 3621

This distinct feature renders claim 70 allowable,
Claims 71-76 are dependant upon claim 70 and are allowable for at least the same reasons.

I.

None of the art of record, taken individually or combination disclose at least the steps/components of : creating a deferred transaction data structure, corresponding to the transaction data structure that defines a deferred transaction, when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted; establishing a digital certificate and associating the digital certificate with the transaction data structure, the digital certificate identifying the transaction as being authorized; and associating the digital certificate with the deferred transaction data structure when establishing communication between the remote communications device and the second party is at least one of temporarily not obtainable and interrupted.

This distinct feature renders claim 77 allowable,
Claims 78-81 are dependant upon claim 77 and are allowable for at least the same reasons.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Reagan** can be reached at (571) 272-6710. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 3621

Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

July 19, 2006